S.No.2

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1
VC AND PHYSICAL (HYBRID) MODE
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
02-09-2026 After Court-II

IA (IBC) 1126/2026 in
Company Petition IB/14/9/HDB/2021
u/s. 9 of IBC

IN THE MATTER OF:

Padmavathi Steel Traders **…Petitioner/s**

Vs

Mark Infrastructure Pvt Ltd **…Respondent/s**

C O R A M:-
SHRI. RAJEEV BHARDWAJ, HON'BLE MEMBER (JUDICIAL)
SHRI. SANJAY PURI, HON'BLE MEMBER (TECHNICAL)

O R D E R

IA (IBC) 1126/2026

Orders pronounced, recorded vide separate sheets.

In the result, this **IA (IBC) 1126/2026 is partly allowed.**

Sd/- **Sd/-**
MEMBER (T) **MEMBER (J)**

Apoorva

IN THE NATIONAL COMPANY LAW TRIBUNAL

HYDERABAD BENCH, COURT-I

I.A No. 1126 of 2026

IN

C.P (IB) No.14/9/HDB/2021

[Under Section 60(5)(C) r/w Section 32A of Insolvency and Bankruptcy Code, 2016, r/w Regulation 32(e) of IBBI (Liquidation Process) Regulations and Rule 11 of National Company Law Tribunal Rules, 2016]

IN THE MATTER OF M/S. MARK INFRASTRUCTURE PVT LTD

Between:

Sri Kanchi Raghu Praveen
Successful bidder of
Mark Infrastructure Private Limited
Having address at:
H.No. 18-112-2, Soma Seeta Garden,
Tiruvuru, Krishna,
Andhra Pradesh - 521235

...Applicant

AND

Mr. Madasa Kumar
Erstwhile Liquidator of
M/s. Mark Infrastructure Private Limited
Having address at:
Plot No. 48, 4th Floor, Road No. 4,
Pet Basheerabad (V), Quthbullapur (M)
Malkajgiri District, Hyderabad-500067

....Respondent

Date of Order: 02.09.2026

Coram:

Hon'ble Shri Rajeev Bhardwaj, Member (Judicial)

Hon'ble Shri Sanjay Puri, Member (Technical)

Counsels Present

For Applicant: Ms. Yashree Dixit, PCS, Mr. Srikant Rathi and Ms. Kalyani Deshmukh, Ld. Counsels.

1. The present Application has been filed by the Successful Bidder, Sri Kanchi Raghu Praveen (Applicant), under Section 60(5)(c) read with Section 32A of the Insolvency and Bankruptcy Code, 2016 (IBC/Code), read with Regulation 32(e) of the IBBI (Liquidation Process) Regulations, 2016 and Rule 11 of the National Company Law Tribunal Rules, 2016, seeking grant of reliefs and concessions as prayed for in the Application.

2. **Application**

i) Mark Infrastructure Private Limited (Corporate Debtor) was admitted into Corporate Insolvency Resolution Process (CIRP) by this Adjudicating Authority vide order dated 30.12.2021 passed under Section 9 of the Code. Pursuant thereto, Mr. Ritesh Mittal was appointed as the Interim Resolution Professional. Subsequently, vide order dated 23.02.2022, Mr. Venu Gopal Kaspa was appointed as the Resolution Professional.

ii) It is stated that upon failure of the CIRP, I.A. (IBC) No. 1356 of 2022 was filed seeking liquidation of the Corporate Debtor. This Adjudicating Authority, vide order dated 13.07.2023[1], directed liquidation of the Corporate Debtor and appointed Mr. Madasa Kumar as the Liquidator.

iii) It is further stated that the Liquidator issued a Public Announcement dated 26.10.2023[2] for conducting an e-auction of the Corporate Debtor as a going concern and the e-auction was scheduled to be held on 22.11.2023.

iv) It is submitted that the Applicant participated in the e-auction and emerged as the Successful Bidder with a bid amount of Rs.1,10,21,000/- (Rupees One Crore Ten Lakhs Twenty-One Thousand only) for acquisition of the Corporate Debtor as a going

[1] Page 43 of the Application
[2] Page 47 of the Application

concern. The Applicant paid the entire sale consideration on 08.12.2023 in accordance with the terms of sale, whereupon the Liquidator issued a Sale Certificate dated 11.12.2023[3] in favour of the Applicant.

v) It is submitted that thereafter the Liquidator filed I.A. (IBC) No. 203 of 2024 seeking closure of the liquidation process. This Adjudicating Authority, vide order dated 24.02.2026[4], allowed the said application and directed closure of the liquidation proceedings. It is stated that the closure of liquidation was delayed on account of the pendency of I.A. No. 109 of 2023, which came to be dismissed on 24.02.2026.

vi) It is further submitted that in the said application for closure of liquidation, the Liquidator had also sought various consequential reliefs and concessions, including conversion of the sale consideration into equity, reconstitution of the Board of Directors, extinguishment of the existing share capital, change of the status of the Corporate Debtor from "Under Liquidation" to "Active", extinguishment of past claims and liabilities, vesting of the assets of the Corporate Debtor free from encumbrances, and continuation of statutory licences, approvals and registrations. It is stated that while directing closure of the liquidation proceedings, this Adjudicating Authority granted liberty to the Successful Bidder to file an appropriate application seeking such reliefs in accordance with law.

vii) It is further submitted that since the Corporate Debtor has been sold as a going concern, the Successful Bidder cannot be burdened with the past or contingent liabilities of the Corporate Debtor. It is contended that the reliefs and concessions sought in the present

[3] Page 48 of the Application
[4] Page 50 of the Application

application are essential for the smooth running and revival of the business of the Corporate Debtor.

viii) Reliance has been placed on the judgments of the Hon'ble NCLAT in *RMY Industries LLP v. Apple Industries Pvt. Ltd., Company Appeal (AT) (Insolvency) No. 1114 of 2022*, *M/s Shiv Shakti Inter Globe Exports Pvt. Ltd. v. KTC Foods Pvt. Ltd. Company Appeal (AT) (Insolvency) No. 650 of 2020*, the order of this Adjudicating Authority in *Devaiah Pagidipati v. Southern Online Bio Technologies Limited, I.A. No. 1038 of 2019 in C.P. (IB) No. 343 of 2018*, and the judgments of the Hon'ble Supreme Court in *Ghanshyam Mishra & Sons Pvt. Ltd. v. Edelweiss Asset Reconstruction Company Ltd. & Ors., Civil Appeal No. 8129 of 2019* and *Committee of Creditors of Essar Steel India Ltd. v. Satish Gupta & Ors., (2020) 8 SCC 531*.

3. In the present case there was no necessity to issue notice to the Respondent-Liquidator, as the Liquidator had already become functus officio upon closure of the liquidation proceedings.

4. We have heard the counsels for the applicant and perused entire records.

5. Under Section 60(5)(c) of the Code, the Adjudicating Authority has the jurisdiction to entertain and dispose of any question of law or fact arising out of or in relation to the insolvency resolution or liquidation proceedings of the Corporate Debtor, including the authority to grant necessary reliefs, immunities, or protections from past liabilities to ensure that the Successful Bidder can commence business on a clean slate. The Hon'ble NCLAT, Delhi in ***RMY Industries LLP vs. Apple Industries Pvt. Ltd., (Company Appeal (AT) (Insolvency) No. 1114 of 2022)*** affirmed the Adjudicating Authority's power to consider applications from the Liquidator or Successful Bidder regarding the terms of an auction sale, particularly when sold as a going concern, to address any arising issues.

6. In the present case, the Applicant has sought 41 reliefs and concessions, most of which are general and non-specific, aimed at addressing potential issues or challenges that may arise in the future. Furthermore, the Applicant has not identified any specific or concrete challenges that would justify the need for the reliefs and concessions sought presently. Upon careful consideration, we are of the view that several of the reliefs requested by the Applicant are hypothetical and largely anticipatory in nature. Moreover, the Adjudicating Authority can only grant reliefs in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016. Nevertheless, recognizing the critical importance of ensuring the continued and effective operation of the Corporate Debtor as a going concern, this Authority deems it necessary to grant certain reliefs and concessions that are essential for the successful administration of the Corporate Debtor.

7. Accordingly, the following directions are passed:

a) The assets of the Corporate Debtor shall vest in the Successful Bidder together with all rights, title and interest therein, in accordance with the provisions of the IBC and the terms of the Certificate of Sale.

b) The existing equity shares of the Corporate Debtor shall stand extinguished without any consideration, and all rights attached thereto shall stand extinguished. Consequently, the Corporate Debtor is permitted to issue and allot fresh equity shares to the Successful Bidder and/or its nominees. Permission is granted to the Successful Bidder to reconstitute the Board of Directors of the Corporate Debtor in accordance with law. Consequently, the existing Board of Directors shall cease to hold office.

c) The Registrar of Companies (RoC) shall take on record the consequential filings arising from this order, including the changes in the shareholding, capital structure, Board composition and other

consequential filings of the Corporate Debtor, in accordance with law. The RoC is further directed to update the status of the Corporate Debtor from "Under Liquidation" to "Active" in its records.

d) Any proceedings pending against the Corporate Debtor (other than against the erstwhile promoters or former members of the management of the Corporate Debtor) as on the date of 'Certificate of Sale' with respect to its liabilities, inquiries, investigations, assessments, claims, disputes or litigations, etc shall not have any bearing against the assets sold in the process, subject to Section 32A of the IBC.

e) The Corporate Debtor shall be entitled to pursue and recover all receivables, claims, refunds and other actionable claims forming part of its assets as on the date of the Certificate of Sale, and any amounts realized therefrom shall accrue to the benefit of the Corporate Debtor.

f) The Successful Bidder shall be entitled to change the authorised signatories of the bank accounts of the Corporate Debtor, and the concerned banks shall give effect to such change.

g) The Applicant shall be entitled to carry on the business of the Corporate Debtor and may continue, review, renegotiate or terminate contracts, agreements or arrangements entered into prior to the date of the Certificate of Sale, without assuming any liability or obligation arising thereunder for the period prior to the date of the Certificate of Sale, subject to the terms and conditions of the Certificate of Sale.

h) Since the Corporate Debtor has been sold as a going concern in liquidation, the Applicant shall not be saddled with liabilities existing prior to the date of the Certificate of Sale, subject to the terms and conditions of the Certificate of Sale.

8. With regard to any other reliefs and concessions sought by the Applicant under any other law, which have not been specifically granted herein, the Applicant shall be at liberty to approach the competent authority concerned, which would consider such request under the applicable law keeping in view Section 32A of IBC, 2016.

9. Accordingly, I.A. No. 1126 of 2026 in C.P (IB) No.14/9/HDB/2021 is **partly allowed** subject to the observations made in para 7 and 8 above.

Sd/-

SANJAY PURI
MEMBER (TECHNICAL)

Sd/-

RAJEEV BHARDWAJ
MEMBER (JUDICIAL)